

**REMARKS**

**Status of claims**

Claims 1-4 and 6-16 are pending, of which claim 1 is independent. Claims 11-16 have been withdrawn from consideration due to a restriction requirement. Claims 1 and 8-10 have been amended to correct informalities in the claim language and to more clearly define the claimed subject matter. Claim 1 has been amended by incorporating the limitations of claim 5. Accordingly, claim 5 has been cancelled without prejudice. It is respectfully submitted that because no new matter is introduced by this amendment, this amendment should be entered.

**Objections**

Claims 6 and 7 were objected to (see, Office Action Summary, item 7). Although the Examiner did not clearly indicate, it appears that claims 6 and 7 would be allowable if rewritten into independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation the indication of allowable subject matter of claims 6 and 7.

**Claim Rejection - 35 U.S.C. § 112**

Claims 8 and 9 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully submit that the amendments made to claims 8 and 9 overcome this rejection.

Claims 8 and 9 were also rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner asserts that the

specification and drawings do not support the element regarding the area around the current collecting portion being covered by the polyethylene resin as recited by claim 8.

Applicants respectfully submit that page 26, line 24 to page 27, line 7 and FIGS. 13 and 14 clearly support the subject matter of claims 8 and 9. Although the exposed portion is also covered by the porous metal layer 128, the polyethylene resin 140 *covers* the exposed portion of the electrode core material 127 of the negative electrode (see, FIGS. 13 and 14).

As such, it is submitted that the original specification and drawings enable one of skill in the art to make and/or use the subject matter of claims 8 and 9. Thus, Applicants respectfully request that the Examiner withdraw the rejection of claims 8 and 9 under 35 U.S.C. § 112, first paragraph.

**Claim Rejection - 35 U.S.C. § 102**

Claims 1-4 were rejected under 35 U.S.C. § 102(b) as being anticipated by JP 09-171818 (JP '818). This rejection is traversed for at least the following reasons.

Applicants respectfully submit that amended claim 1 now recites, among other features, “at least one of said positive electrode plate and said negative electrode plate comprises an electrode core material and an active material layer carried on said electrode core material” and “said second edge covered with said polyethylene resin comprises *an exposed portion* of said electrode core material not having said active material layer thereon,” which were recited by original claim 5.

In rejecting claim 5 under 35 U.S.C. § 103(a) as shown below, the Examiner concedes that JP '818 fails to disclose the exposed portion of the electrode core material not covered with the active material, and the configuration of the metal electrode core material. The Examiner

then relies on JP '741 attempting to cure the deficiencies of JP '818. Specifically, the Examiner asserts that FIGS. 1, 2 and 4 of JP '714 disclose these elements. Applicants disagree.

It is noted that in FIGS. 1, 2 and 4 of JP '714, reference numerals 2 and 6 illustrate an active material and an active material layer, respectively. Also, as the Examiner points out, reference numeral 1 (or 4) illustrates an electrode core material. However, as it is clear from FIGS. 1 and 4, no portion of the alleged core material 1 (4) is exposed without being covered by the active material 2 (or layer 6). It should be noted that FIG. 2 of JP '741 illustrates the shape of the core material 1 (4), but does not illustrate "*an exposed portion*" of the electrode core material not having the active material layer thereon, as recited by amended claim 1. Since amended claim 1 recites "an active material layer carried on said electrode core material," FIG. 2 of JP '741 does not disclose the claimed electrode core material. In JP '741, it is clear that the whole electrode core material 1 (4) is embedded in or sandwiched by the active material 2 (layer 6) (see, the abstract of JP '741 stating that "the core material 1 applied in filled state with a mixture made primarily of active material 2." Emphasis added.).

As such, it is clear that amended claim 1 is patentable over the cited references. Since claims 2-4 depend upon claim 1, these claims are also patentable over the cited references. Thus, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-4 under 35 U.S.C. § 102(b).

**Claim Rejection - 35 U.S.C. § 103**

Claims 5 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over JP '818 in view of JP 2002-015741 (JP' 741).

As discussed above, since neither JP '818 nor JP '741 discloses or suggests the above discussed elements of base claim 1, dependent claim 10 is patentable for at least the same reasons as claim 1. Thus, Applicants respectfully request that the Examiner withdraw the rejections of claim 10 under 35 U.S.C. § 103(a).

**Conclusion**

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

  
Michael E. Fogarty  
Registration No. 36,139

**Please recognize our Customer No. 53080  
as our correspondence address.**

600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096  
Phone: 202.756.8000 MEF:TS:llg:MaM  
Facsimile: 202.756.8087  
**Date: June 17, 2009**